

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:24-cv-24089-CMA

ELIZABETH SANTIAGO-DURAN,
Plaintiff,

v.

VANGUARD PARKING SOLUTIONS INC., *et al.*,
Defendants.

**DECLARATION OF MENDY GOLDMAN IN SUPPORT OF VANGUARD'S MOTION
TO COMPEL ARBITRATION**

I, Mendy Goldman, declare as follows:

1. I am an authorized agent and representative of Defendant in this action, VANGUARD PARKING SOLUTIONS INC. ("Vanguard")
2. I make this declaration in support of Vanguard's motion to compel arbitration.
3. All of the information herein is based on my personal knowledge, and business records that are stored and maintained in the ordinary course of business.
4. Vanguard, provides services to the parking garage located at 2889 McFarlane Road, Miami, Florida 33133 (the "Parking Garage").
5. As part of the services Vanguard provides for the Parking Garage, it operates an online portal that allows customers who used the garage to make payments. (the "Payment Portal")
6. The Payment Portal is located at the following URL: www.payparkingnotice.com.
7. All parking notices issued by Vanguard, contain a link to the Payment Portal, and instructs users to either pay via the Payment Portal, or pay via check to an address provided on the notice.
8. At all relevant times, when a user visits the Payment Portal, they encounter an initial

search page that allows them to enter the parking notice number, or license plate number, and pressing the “Search” button to lookup their balance.

9. On top of the “Search” button, there is a clear message stating: By pressing search, you agree to Vanguard Parking's Privacy Policy and Terms of Service where the underlined texts are hyperlinks to Vanguard’s privacy policy and terms of service. A true and correct printout of the initial web page is attached as Exhibit A.

10. Once the user enters a parking notice number, or a plate number, the user proceeds to a payment screen, where the user can enter either a credit card number, or other payment methods, and below that is a “Pay” button, that allows the user to click and pay the balance on the parking notice.

11. Above the “Pay” button is a checkbox stating: By pressing submit, you agree to Vanguard Parking's Privacy Policy and Terms of Service where the underlined texts are hyperlinks to Vanguard’s privacy policy and terms of service. A true and correct printout of the payment page is attached as Exhibit B.

12. A user cannot process a payment, without pressing the checkbox above the “Pay” button.

13. Both terms Terms of Service hyperlinks, in the initial search page, and the payment page, link to the following URL: <https://app.vanguardparking.co/terms-and-conditions> (the “Terms”)

14. The full text of Terms, including the arbitration provision, is hereby attached as Exhibit C.

15. There is no other mechanism by which a user can make an online payment, without

using Vanguard's Payment Portal.

16. On August 18, 2024, a payment was made on Vanguard's Payment Portal for Florida plate number 27EHXY, for the same plate number in Exhibits B-D of Plaintiff's Complaint, and the same time period alleged in Plaintiff's complaint. A copy of the internal records reflecting that payment was made is hereby attached as Exhibit D.

17. Based on my knowledge and experience of Vanguard's systems, Plaintiff checked the checkbox agreeing to Vanguard's Terms, before submitting her payment on the Payment Portal.

18. Additionally, upon entering the Parking Garage, there is a prominently visible parking agreement, which includes an arbitration clause as well. A true and correct copy of the parking agreement is hereby attached as Exhibit E.

19. Next to the parking agreement is also a prominent sign stating that parking is enforced 24/7 and affording visitors a 15 minute grace period to exit the parking garage, without charge. A true and correct copy of that notice is hereby attached as Exhibit F.

VERIFICATION

UNDER PENALTIES OF PERJURY OF THE UNITED STATES OF AMERICA, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE AND CORRECT.

Date:

01/15/2025

Signature:

